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PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
418268862US1

First named inventor: **Douglas Wyatt**

Application No: **09/893,749-Conf. #3336**

Art Unit: **2124**

Filed: **June 29, 2001**

Examiner: **W. Wood**

Title: **METHODS AND SYSTEMS FOR ADAPTATION, DIAGNOSIS, OPTIMIZATION, AND
PRESCRIPTION TECHNOLOGY FOR NETWORK-BASED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ **1,500.00** (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of **Amendment in Response to Office Action** (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee of and publication fee (if required) \$ _____

☐ has been paid previously on _____

☐ is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

Maurice J. Pirio
Signature

7/7/05
Date

Maurice J. Pirio
Typed or printed name

33,273
Registration Number, if applicable

PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
Address

(206) 359-8000
Telephone Number

Enclosures: ☐ Fee Payment

☒ Reply

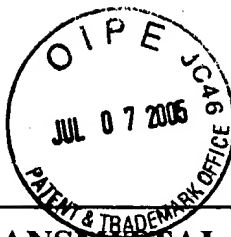
☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____



AMENDMENT TRANSMITTAL LETTER				Docket No. 418268862US1	
Application No. 09/893,749-Conf. #3336	Filing Date June 29, 2001	Examiner W. Wood	Art Unit 2124		
Applicant(s): Wyatt et al.					
Invention: METHODS AND SYSTEMS FOR ADAPTATION, DIAGNOSIS, OPTIMIZATION, AND PRESCRIPTION TECHNOLOGY FOR NETWORK-BASED APPLICATIONS					
TO THE COMMISSIONER FOR PATENTS Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	19	- 24 =	0	x	
Independent Claims	2	- 4 =	0	x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Petition to Revive Unintentionally Abandoned Application					1500.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					1500.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity <input type="checkbox"/> No additional fee is required for this amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1500.00</u> to cover the filing fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>50-0665</u> as described below. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
<u>Maurice J. Pirio</u> Maurice J. Pirio Attorney Reg. No.: 33,273 PERKINS COIE LLP P.O. Box 1247 Seattle, Washington 98111-1247 (206) 359-8000				Dated: <u>7/7/05</u>	



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<u>Maurice J. Pirio</u> Maurice J. Pirio Attorney Reg. No.: 33,273			Dated: <u>7/7/05</u>		
PERKINS COIE LLP P.O. Box 1247 Seattle, Washington 98111-1247 (206) 359-8000					



Express Mail No. EV670648805US
Docket No.: 418268862US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wyatt et al.

Application No.: 09/893,749

Confirmation No.: 3336

Filed: June 29, 2001

Art Unit: 2124

For: METHODS AND SYSTEMS FOR
ADAPTATION, DIAGNOSIS,
OPTIMIZATION, AND PRESCRIPTION
TECHNOLOGY FOR NETWORK BASED
APPLICATIONS

Examiner: W. Wood

RESPONSE TO OFFICE ACTION OF JULY 21, 2004

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated July 21, 2004, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

1-24. (Cancelled)

25. (New) A method in a client of launching a software component, the client having an execution environment, the method comprising:

receiving from a user a request to launch the software component;

sending to a server a request to launch the software component;

in response to sending the request, receiving from the server a launch page that

includes code to determine whether the software component can successfully execute in the execution environment of the client, to determine parameters of the execution environment of the client, and to request downloading of the software component configured based on the determined parameters; and

under control of the code of the received launch page,

determining whether the software component can successfully execute in the execution environment of the client;

when it is determined that the software component cannot successfully execute in the execution environment of the client, reporting an error to the user;

when it is determined that the software component can successfully execute in the execution environment of the client,

determining parameters of the execution environment of the client;

sending to the server a request to download the software component, the request indicating the determined parameters;

receiving from the server the software component configured according to the determined parameters; and

launching execution of the software component.

26. (New) The method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether a certain scripting language is supported.

27. (New) The method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether the software component can be downloaded from the server.

28. (New) The method of claim 27 wherein the determining of whether the software component can be downloaded includes attempting to download from the server a test component.

29. (New) The method of claim 25 wherein the determining of whether the software component can successfully execute in the execution environment of the client includes determining whether a browser is enabled to execute code in a certain language.

30. (New) The method of claim 25 including when it is determined that the software component can successfully execute in the execution environment of the client, establishing a connection between the client and the server.

31. (New) The method of claim 25 including after sending to the server a request to download the software component, receiving from the server application content.

32. (New) The method of claim 25 including after receiving from the server the software component configured according to the determined parameters, executing code to detect changes in a parameter of the execution environment of the client and when a change is detected, notifying the server of the change to the parameter so that the server can effect the re-configuring of the software component.

33. (New) The method of claim 25 wherein a parameter of the execution environment of the client indicates whether a browser has certain plug-ins.

34. (New) The method of claim 25 wherein a parameter of the execution environment of the client relates to a security policy of the client.

35. (New) The method of claim 25 wherein a parameter of the execution environment of the client relates to a hardware configuration of the client.

36. (New) A method in a server for downloading a software component to a client, the client having an execution environment, the method comprising:

receiving from the client a request to launch the software component;

in response to receiving the request, sending to the client a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client, to determine parameters of the execution environment of the client, and to request downloading of the software component configured based on the determined parameters; and

after the code executing at the client determines that the software component can successfully execute in the execution environment of the client,

receiving from the client a request to download the software component, the request indicating parameters determined by the code;

configuring the software component according to the determined parameters; and

sending to the client the configured software component.

37. (New) The method of claim 36 wherein the software component can successfully execute in the execution environment of the client when a certain scripting language is supported.

38. (New) The method of claim 36 wherein the software component can successfully execute in the execution environment of the client when the software component can be downloaded from the server.

39. (New) The method of claim 38 wherein the software component can be downloaded when a test component can be downloaded from the server.

40. (New) The method of claim 36 wherein the software component can successfully execute in the execution environment of the client when a browser is enabled to execute code in a certain language.

41. (New) The method of claim 36 wherein the code establishes a connection between the client and the server when it is determined that the software component can successfully execute in the execution environment of the client.

42. (New) The method of claim 36 including after receiving the request to download the software component, sending application content to the client.

43. (New) The method of claim 36 including after sending to the client the software component configured according to the determined parameters, receiving a notification from the client of a change to a parameter and effective reconfiguration of the software component based on the changed parameter.

REMARKS

Claims 25-43 are pending. Applicant has canceled claim 1-24 and added claims 25-43.

The Examiner rejected claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Britton, Dumarot, or Bourke-Dunphy or under 35 U.S.C. § 103 (a) as being unpatentable over Britton in view of Moshman. Although applicant has canceled these claims, applicant provides the follow comments relating to the new claims.

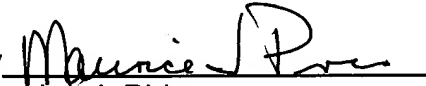
Claims 25-43 are directed to the overall process in which a software component is downloaded from a server to a client. Before the software component is downloaded, code is downloaded that determines whether the software component can successfully execute in the execution environment of the client. If it is determined that the software component can execute successfully, the software component is downloaded. Claim 25, as an example, recites this determining as "under control of the code of the received launch page, determining whether the software component can successfully execute in the execution environment of the client." None of the cited references teaches or suggests such determining. Moreover, each of the claims recites a combination of elements that is neither taught nor suggested by the cited reference.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Dated:

7/7/05

Respectfully submitted,

By 
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